

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:08CR25

UNITED STATES OF AMERICA )  
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                                  )  
                                  )  
VS.                           )                           ORDER  
                                  )  
                                  )  
CARROL LEE OWENS          )  
                                  )  
\_\_\_\_\_

**THIS MATTER** is before the Court on the Defendant's *pro se* motion to dismiss and affidavit in support of such motion.<sup>1</sup>

Defendant moves the Court for dismissal of Counts Three and Six of the indictment<sup>2</sup> alleging that the term "means of identification" as defined in 18 U.S.C. § 1028(d)(7) would not apply to a VISA credit card since such card is issued by a financial institution and not by the federal Government.

**Motion, at 2.** The Court finds such motion to be without merit.

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<sup>1</sup> There is no supporting affidavit attached to the Defendant's motion.

<sup>2</sup> The indictment has now been superseded and the counts renumbered. This motion concerns the counts charged in the original indictment.

**IT IS, THEREFORE, ORDERED** that the Defendant's *pro se* motion to dismiss is **DENIED**.

Signed: April 28, 2008



Lacy H. Thornburg  
United States District Judge

